

REMARKS

Claims 1- 15 are pending. Claims 11-15 are allowed. By this Amendment, Claims 1 and 7 are amended. Applicants respectfully submit no new material is presented herein.

Claims 11-15 Allowed

Applicants respectfully acknowledge and appreciate the Examiner indicating Claims 11-15 are allowed.

Claim Rejections – 35 U.S.C. §103

Claims 1-6 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Number 5,862,570 to Lezuch et al. in view of U.S. Patent Number 4,194,265 to Zimmermann. Applicants respectfully traverse this rejection.

Claim 1 recites a door checker for an automobile, including a case secured to one of a body of an automobile and a door pivotally supported on said body for turning movement; a check plate which movably extends through said case to be connected to the other of said body and said door and which is provided in its opposite sides with ball guide grooves extending in a lengthwise direction; a pair of ball holders accommodated in said case and capable of advancing and retracting toward and away from the opposite sides of said check plate, wherein a projection is integrally formed on a side of each ball holder and resiliently abuts against an inner side of the case, ***the projection being disposed at a center of and extending away from the side of the ball holder in a direction parallel to the ball guide grooves***; a pair of balls which are retained in hemispherical ball housings formed in said ball holders and which are rollably engaged in said ball guide grooves; and check springs for biasing said ball holders toward said

check plate, wherein a recess is formed in **a hemispherical inner surface of each ball housing** and retains a grease within the recess, the recess also accommodates dust therein.

Applicants respectfully submit Lezuch and Zimmermann, alone or in combination, fail to teach or suggest each and every feature recited by Claim 1.

The Office Action asserts Lezuch teaches ball grooves (32, 34) extending in a lengthwise direction on opposite sides of the check plate (18). See Figure 5 of Lezuch. Applicants respectfully submit that the ball holders (62) taught by Lezuch fail to teach or suggest a projection disposed at a center of and extending away from a side of the ball holders (62) in a direction parallel to the ball guide grooves because Lezuch fails to teach or suggest the ball holders (62) having any projection let alone one that meets the features recited by Claim 1. Moreover, Applicants respectfully submit that Lezuch fails to teach or suggest a recess being formed in a hemispherical inner surface of each ball housing.

The Office Action then asserts the Lezuch teaches, in an alternate embodiment, "projections are integrally formed on a first sidewall (83) of each ball holder (80) and resiliently abuts against an inner side of the case. The projections are disposed at respective ends of and extending away from the sidewall of the ball holder. As evidenced by figure 6, a portion or face of each projection extends in a direction parallel to a longitudinal axis of the check plate as determined by the Examiner."

As noted above, Claim 1 recites the projections extend in a direction parallel to the ball grooves extending in a lengthwise direction of the check plate.

The check plate (18) taught by Lezuch also has ball grooves (32, 34) extending in a lengthwise direction thereof. However, the ball holders (62) of Lezuch fail to teach or suggest a projection disposed at a center of and extending away from a side of the ball holders (62) in a direction parallel to the ball guide grooves because Lezuch fails to teach or suggest the ball holders (62) having any projection let alone one that meets the features recited by Claim 1. Furthermore, as noted above, Lezuch fails to teach or suggest a ball housing having a hemispherical inner surface in which a recess is formed and retains grease therein.

To address this drawback or deficiency of Lezuch, Applicants note the Office Action points to the ball holder (80) used in a different embodiment of Lezuch. Applicants note that the check plate (84) used with the ball holder (80) does not have any grooves formed therein because the check plate (84) is used with cylindrical rollers and not round or spherical shaped balls (68) as are the ball holders (62). Moreover, Applicants note that the ball holders (80) taught by Lezuch are not configured to receive, let alone securely retain therein, balls (68). Also, the ball holders of Lezuch do not have a hemispherical inner surface in which a recess is formed and retains grease. Therefore, Applicants respectfully submit that the ball holders (80) of the alternate embodiment taught by Lezuch are not suitable for use with the check arm assembly described with relation to Figures 1-5.

Furthermore, even if the embodiment of the check arm assembly of Figures 1-5 of Lezuch were modified to use the ball holders (80) instead of the ball holders (62), and even if such a modified check arm assembly were capable of working properly and as intended, Applicants respectfully submit that the "projections" of the ball holders (80)

would be transverse or orthogonal relative to the ball grooves (32, 34) in the check arm (18). Put another way, the “projections” of the ball holders (80) would not be parallel to the lengthwise direction of the ball grooves (32, 34) formed therein.

Moreover, if the ball holders (62) were modified to include the “projections” from the ball holders (80), Applicants respectfully submit that such projections would also not be parallel to the ball grooves (32, 34) because such “projections” would be extending in a direction that is transverse or orthogonal to the lengthwise direction of the ball grooves (32, 34) rather than parallel thereto, as is recited in Claim 1.

Moreover, Applicants respectfully submit that the projections taught by Lezuch would never extend in a direction that is parallel to the lengthwise direction of the ball grooves because the projections in Lezuch are used to join the flange (83) of one guide member (80) to the appendage (82) of the other guide member (80) and join the appendage (82) of the one guide member (80) to the flange (83) of the other guide member (80). As such, the resulting structure is essentially a box with closed top, bottom, left and right sides but open front and back sides which permits the joined guide members (80, 80) to roll back and forth along the surfaces (86, 86) of the door check arm assembly (76). In order for the projections to extend in a direction that is parallel to the lengthwise direction of the ball grooves (32, 34) formed in the check arm (84), the corresponding appendages (82) and flanges (83) would have to join each other such that the front, back, top and bottom sides were closed and the left and rights sides would be open. However, if the left and right sides were open and the front and back sides closed due to the joining of the appendages (82) and flanges (83), the rollers (78, 78) would only be able to roll left and right on the check arm (84) and not longitudinally

as is necessary for the check arm assembly to function properly and in the intended manner.

Accordingly, one of ordinary skill in the art would not find it obvious to modify Lezuch in view of Zimmermann because to do so would not arrive at the invention recited by Claim 1.

As further evidence that the projections taught by Lezuch are not intended to provide a benefit of suppressing chatter, Applicants respectfully note the alternate embodiment taught by Lezuch incorporates a rubber or foam-like cylinder (81) as an optional dampening member for the springs (70) placed underneath or on top of the corresponding rolling guide member (80) (see column 4, lines 60-67 and Figure 6 of Lezuch).

Applicants note a detailed discussion of Zimmermann is provided in the Responses dated June 21 and October 4, 2005, which are incorporated herein in their entirety. However, the noted discussion does not discuss the failure of Zimmermann to teach or suggest a projection being integrally formed on a side of each ball holder or end (103, 124) and resiliently abutting against an inner side of the case (101), wherein the projection is disposed at a center of and extending away from a side of the ball holder or end (103, 124) in a direction that is parallel to the lengthwise direction of the ball grooves formed in the check plate (102). While the ball holder or end (sleeve, 103) includes a projection extending from a center of a side surface thereof, the projection does not resiliently abut against the inner side surface of the case (101) as the projection abuts against the steering arm or check plate (102) instead and extends in a

direction that is orthogonal or perpendicular to a lengthwise direction and not parallel thereto.

Moreover, regarding the ball holders having a hemispherical inner surface, Applicants note the Office Action admits the art of record fails to teach or suggest ball holders having a recess formed in a hemispherical inner surface thereof when providing an explanation as to why Claims 11-15 are allowable over the art of record. Applicants note that Claim 1 is amended herein to include such a feature.

To establish *prima facie* obviousness of a rejection claim, each feature of the claim must be taught or suggested by the applied art of record. See M.P.E.P. §2143.03. As explained above, Lezuch and Zimmermann, alone or in combination, fail to teach or suggest each and every feature recited by independent Claim 1. Accordingly, Claim 1 is not rendered obvious in view of Lezuch and Zimmermann, either alone or in combination. Therefore, Applicants respectfully submit Claim 1 should be deemed allowable.

Claims 2-6 depend from Claim 1. Therefore, Applicants respectfully submit Claims 2-6 should be deemed allowable for at least the same reasons Claim 1 is allowable, as well as for the additional subject matter recited therein.

Claim Rejection – 35 U.S.C. §102

Claims 7-10 are rejected under 35 U.S.C. §102(b) as being anticipated by Zimmermann. Applicants traverse the rejection.

Claim 7 recites a door checker including, among other features, check springs directly contacting and biasing said ball holders toward said check plate, wherein a

recess is formed in ***a hemispherical inner surface of each ball housing*** and retains grease within the recess, the recess also accommodates dust therein.

The Office Action asserts Zimmermann discloses a door holder having check springs (104, 127) for biasing ball holders (103, 124) toward a check plate (102).

However, a review of Zimmermann reveals the check springs (104, 127) of Zimmermann actually directly contact the balls (105) contained in the case (101) and not the ball holders (103, 124). Moreover, Applicants note the springs (103, 124) do not bias the ball holders (103, 124) toward the check plate (102) as the ball holders (103, 124) are not contacted by the springs (104, 127) such that they could even *possibly* be biased toward the check plate (102). Applicants note that while the ball holders (103, 124) contact the balls (105), the ball holders (103, 124) never contact the springs (104, 127) such that the ball holders *could* be biased thereby towards the check plate (102).

Moreover, regarding the ball holders having a hemispherical inner surface, Applicants note the Office Action admits the art of record fails to teach or suggest ball holders having a recess formed in a hemispherical inner surface thereof when providing an explanation as to why Claims 11-15 are allowable over the art of record. Applicants note that Claim 7 is amended herein to include such a feature.

To qualify as prior art under 35 U.S.C. §102, a single reference must teach, i.e., identically describe, each feature of a rejected claim. As explained above, Zimmermann does not disclose or suggest each and every feature recited by Claim 7. Therefore, Zimmermann does not anticipate or render obvious the subject matter recited by Claim 7. Accordingly, Applicants respectfully submit Claim 7 should be deemed allowable.

Claims 8-10 depend from Claim 7. It is respectfully submitted that these dependent claims be deemed allowable for the same reasons Claim 7 is allowable, as well as for the additional subject matter recited therein.

Applicants respectfully request withdrawal of the rejection.

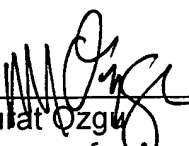
Conclusion

In view of the foregoing, reconsideration of the application, withdrawal of the rejections, allowance of Claims 1-15, and the prompt issuance of a Notice of Allowability are respectfully solicited.

Should the Examiner believe anything further is desirable in order to place this application in better condition for allowance, the Examiner is requested to contact the undersigned at the telephone number listed below.

In the event this paper is not considered to be timely filed, the Applicants respectfully petition for an appropriate extension of time. Any fees for such an extension, together with any additional fees that may be due with respect to this paper, may be charged to counsel's Deposit Account No. 01-2300, **referencing docket number 107348-00354.**

Respectfully submitted,
ARENT FOX PLLC



Murat Ozgu
Attorney for Applicants
Registration No. 44,275

Customer No. 004372
ARENT FOX PLLC
1050 Connecticut Avenue, NW, Suite 400
Washington, DC 20036-5339
Telephone: (202) 857-6000
MO/elp